



General Assembly

January Session, 2011

***Raised Bill No. 1225***

LCO No. 5060

\*05060\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING FALSE REPORTS OF CHILD ABUSE OR  
NEGLECT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-103 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Any mandated reporter acting outside his professional capacity  
4 and any other person having reasonable cause to suspect or believe  
5 that any child under the age of eighteen is in danger of being abused,  
6 or has been abused or neglected, as defined in section 46b-120, may  
7 cause a written or oral report to be made to the Commissioner of  
8 Children and Families or his representative or a law enforcement  
9 agency. The Commissioner of Children and Families or his  
10 representative shall use his best efforts to obtain the name and address  
11 of a person who causes a report to be made pursuant to this section. In  
12 the case of an oral report, such report shall be recorded on tape and the  
13 commissioner or his representative shall announce to the person  
14 making such report that such report is being recorded and shall state  
15 the penalty for knowingly making a false report of child abuse or  
16 neglect under subsection (c) of section 17a-101e, as amended by this

17 act.

18 (b) Notwithstanding the provisions of section 17a-101k, if the  
19 identity of any such person who made a report pursuant to subsection  
20 (a) of this section is known, and the commissioner or his representative  
21 suspects or knows that such person has knowingly made a false report,  
22 such identity shall be disclosed to the appropriate law enforcement  
23 agency and to the alleged perpetrator of the alleged abuse or neglect.

24 (c) Whenever the Commissioner of Children and Families receives  
25 three separate reports from a person pursuant to subsection (a) of this  
26 section alleging child abuse or neglect, and the investigation conducted  
27 by the commissioner pursuant to section 17a-101g determines that  
28 each of such reports is unsubstantiated, the commissioner shall  
29 investigate the making of such reports by such person to determine if  
30 there is reason to suspect that such person is knowingly making false  
31 reports in violation of subsection (c) of section 17a-101e, as amended  
32 by this act. If, after such investigation, the commissioner suspects or  
33 knows that such person has knowingly made one or more false  
34 reports, the commissioner shall, in accordance with subsection (b) of  
35 this section, disclose the identity of such person to the appropriate law  
36 enforcement agency and to the alleged perpetrator of such alleged  
37 abuse or neglect.

38 ~~[(c)]~~ (d) If the Commissioner of Children and Families, or his  
39 designee, receives a report alleging sexual abuse or serious physical  
40 abuse, including, but not limited to, a report that: (1) A child has died;  
41 (2) a child has been sexually assaulted; (3) a child has suffered brain  
42 damage, loss or serious impairment of a bodily function or organ; (4) a  
43 child has been sexually exploited; or (5) a child has suffered serious  
44 nonaccidental physical injury, he shall, within twenty-four hours of  
45 receipt of such report, notify the appropriate law enforcement agency.

46 Sec. 2. Section 17a-101e of the general statutes is repealed and the  
47 following is substituted in lieu thereof (*Effective October 1, 2011*):

48 (a) No employer shall discharge, or in any manner discriminate or  
 49 retaliate against, any employee who in good faith makes a report  
 50 pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103, as  
 51 amended by this act, testifies or is about to testify in any proceeding  
 52 involving child abuse or neglect. The Attorney General may bring an  
 53 action in Superior Court against an employer who violates this  
 54 subsection. The court may assess a civil penalty of not more than two  
 55 thousand five hundred dollars and may order such other equitable  
 56 relief as the court deems appropriate.

57 (b) Any person, institution or agency which, in good faith, makes, or  
 58 in good faith does not make, the report pursuant to sections 17a-101a  
 59 to 17a-101d, inclusive, and 17a-103, as amended by this act, shall be  
 60 immune from any liability, civil or criminal, which might otherwise be  
 61 incurred or imposed and shall have the same immunity with respect to  
 62 any judicial proceeding which results from such report provided such  
 63 person did not perpetrate or cause such abuse or neglect.

64 (c) Any person who knowingly makes a false report of child abuse  
 65 or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, and  
 66 17a-103, as amended by this act, shall be fined not more than two  
 67 thousand dollars or imprisoned not more than one year or both.

68 (d) Any person who knowingly makes a false report of child abuse  
 69 or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, and  
 70 17a-103, as amended by this act, shall be liable in damages to the  
 71 person or persons identified in such report as being responsible for  
 72 such alleged abuse or neglect.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	17a-103
Sec. 2	<i>October 1, 2011</i>	17a-101e

***Statement of Purpose:***

To provide for the investigation and liability of persons who make repeated false reports of child abuse or neglect.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*